

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting

ACTION AGENDA

Tuesday, October 28, 2014

5:00 PM

**CITY COUNCIL, City of Rialto, acting as Successor Agency to the
Redevelopment Agency, RIALTO UTILITY AUTHORITY, RIALTO
HOUSING AUTHORITY**

City Council

*Mayor Deborah Robertson
Mayor Pro Tem Edward Palmer
Council Member Joe Baca Jr.
Council Member Shawn O'Connell
Council Member Lynn Hirtz
Barbara A. McGee City Clerk
Edward Carrillo City Treasurer
Fred Galante City Attorney
Mike Story City Administrator*

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialto.ca.gov. Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No.1553

Next Resolution No. 6661

Called to Order By:

ROLL CALL

Rialto – Entering a Second Century of Progress

- *Rialto will be a Family First Community*
- *Rialto Shall Attract High-Quality Development and Improve its Physical Environment*
- *Rialto's Economic Environment will be Healthy and Diverse*
- *Rialto will be an Active Community*

All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RUA," "RHA," which items are being considered and/or acted upon by the Members of the Rialto Utility Authority or Rialto Housing Authority of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein

5:00 p.m.

PRESENTATIONS AND PROCLAMATIONS

- 1 Presentation-Rialto Smarter Cities Project & Advance Learning Center:
Deborah Hagar

CLOSED SESSION

- 1 Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
- (a) Maria Gallardo v. City of Rialto and Juan Carlos Virgen
SBSC Case No. CIVDS 1401412; consolidated with Sedgewick Claims Management Services, Inc for Kaiser Foundation Health Plan as Real Property In Interest v. City of Rialto and Juan Carlos Virgen, SBSC Case No. CIVDS1402626
 - (b) City of Rialto v. Chevron USA, Inc and related cross action
S.B. Superior Court Case No. CIVDS1406197
- 2 Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
- Property: APN# 0127-031-15
Northeast Corner of Riverside Ave. & Easton Ave.
- City Negotiator: Robb R. Steel/Development SVS. Director.
Greg Lantz/Economic Development Mgr.
- Negotiating Parties: Tom Sweika, Fountainhead Development
- Under Negotiation: Price and terms of possible sale

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE-Council Member Joe Baca Jr.

INVOCATION-Pastor Phillips-St. Paul Family Ministries**City Attorney's Report on Closed Session****PRESENTATIONS AND PROCLAMATIONS**

- 1 Proclamation-Law Enforcement Records and Support Personnel Day
Mayor Robertson
- 2 Presentation-Students for Partner Summit-Mayor Robertson
- 3 Introduction of Kucera Middle School's "Shine Bright like A Diamond"
Mentoring Program-Ms. Kimberly Woods, Pres. and Raquel Rushing,
Kucera Participant-Mayor Robertson

ORAL COMMUNICATIONS**City Council to consider removing or continuing any items on the agenda***NOTICE TO THE PUBLIC*

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR**A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

B. APPROVAL OF WARRANT RESOLUTIONS (ACTION)

- B.1 Resolution No. 15 (10/17/14)
- B.2 Resolution No. 15A (10/17/14)
- B.3 Resolution No. 16 (10/24/14)
- B.4 Resolution No. 16A (10/24/14)

C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting - July 09, 2013
- C.2 Regular City Council Meeting - October 14, 2014

D. SET PUBLIC HEARING

- D.1** Request City Council to Set a Public Hearing for **November 25, 2014**, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 2nd Quarter of the 2014 Calendar Year.
- D.2** Request the City Council to Set a Public Hearing for **November 25, 2014**, for the consideration of an Amendment to Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code, to establish a three quarter (0.75) mile separation requirement between similar nuisance uses listed in Sections 18.66.030Q-Z and to establish criteria for measuring separation distances for all uses listed in Chapter 18.66 (Conditional Development Permits), and an Amendment to Chapter 18.60 (Nonconforming Uses) of the Rialto Municipal Code, specifically Section 18.60.050, to reduce the nonconforming use discontinuance time limit from one (1) year to one hundred eighty (180) days.
- D.3** Request City Council to Set a Public Hearing for **November 25, 2014**, to consider a request by Rialto Industrial Center, Inc., to vacate access rights along S. Riverside Avenue adjacent to the property located at 3700 S. Riverside Ave.
- D.4** Request City Council to Set a Public Hearing for **November 25, 2014**, to Consider the Adoption of a Resolution Amending the City's Water Service Rules and Regulations related to Service Connection Fees for Single Family Homes and establishing a new 1" Fire Line Service Connection Fee.

E. MISCELLANEOUS

- E.1** Request that the City Council Approve the Joint Development and Operating Agreements for Founding Partners in Rialto Executive Institute and Advanced Learning Center.
- E.2** Request City Council to Approve the Construction Plans and Contract Specifications and to Authorize the Release of Request for Bids No. 15-028 for the 2013/2014 & 2014/2015 Annual Street Overlay Projects, City Project No. 140803 & 150801.
- E.3** Request City Council to Receive and File the Statement of Income and Expenses related to the Airport Escrow Account for September 2014.
- E.4** Request City Council to Approve Building and Facility Joint Use Agreement Between the City of Rialto and the Rialto Unified School District.

- E.5** Request City Council/Rialto Housing Authority to Adopt **Resolution No. 6650** and **RHA Resolution No. 04-14** Authorizing the City Administrator/Executive Director to Execute a Claim for Excess Proceeds from the Tax Sale of Tax Defaulted Property related to 670 W. Mallory Drive and 459 E. Allen Street.
- E.6** Request Oversight Board to Adopt **Resolution No. SA-23** Approving Amendment #2 to the Long Range Property Management Plan for the Disposition of Real Estate Assets Owned by the Successor Agency.
- E.7** Request City Council to Authorize the Purchase of a Police Department Vehicle from Fairview Ford in the Amount of \$26,574.59 and to Adopt Budget **Resolution No. 6651** Appropriating Funds in the Amount of \$35,000 for Vehicle Purchase and Equipment.
- E.8** Request City Council to Adopt **Resolution No. 6652** Accepting Public Improvements Associated with Tract No. 17511 and Authorizing the Release of Securities Related Thereto.
- E.9** Request City Council to Approve a Reimbursement Agreement with Lewis-Hillwood Rialto Company, LLC (LHR) for Lead and Asbestos Testing at the Rialto Municipal Airport in the amount of \$34,424.
- E.10** Request City Council to Adopt **Resolution No. 6653** Certifying Critical Need for Part-Time Executive Assistant Services in the Development Services Department and Creating the Position of Temporary Executive Assistant and to Amend the Part-Time Salary Schedule.
- E.11** Request City Council to receive and file the Interim Financial Report for the first three months of the Fiscal Year thru September 30, 2014.
- E.12** Request City Council to Adopt **Resolution No. 6654** for the Placement of Liens Against Abandoned Properties for Failure to Comply with Administrative Citation to Correct Code Violations.
- E.13** Request City Council to Adopt Budget **Resolution No. 6655** and **RUA Resolution No. 002-04** to Amend the FY2014-15 Budget for the FY2013-14 Carry Forward Budget for the City and the Rialto Utility Authority
- E.14** Request City Council to Approve the Construction Plans and Contract Specifications and to Authorize the Release of Request for Bids No. 15-037 for the Pepper Avenue/Baseline Road Traffic Signal Upgrade, City Project No. 140818.
- E.15** Request that the City Council Approve an Easement for Roadway and Utilities and Agreement by and between the City of Rialto and the County of San Bernardino.

- E.16** Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 15-039 for the 2014/15 Annual Curb, Gutter and Sidewalk Improvement Project, City Project No. 150803.
- E.17** Request that the Rialto Utility Authority Approve the Third Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.
- E.18** Request City Council Approval of the turn-key installation of two back-up generators in an amount not-to-exceed \$49,800.00.
- E.19** Request City Council to Adopt **Resolution No. 6655** Authorizing the Destruction of Certain Municipal Records of the Former City Attorney's Office.

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve the Consent Calendar as amended to continue Item C-1 to the next regular meeting.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB PUBLIC HEARING

- TAB1** Request City Council to conduct a Public Hearing to introduce **ORDINANCE NO. 1552** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, TO APPROVE AMENDMENT NO. 1 TO THE RENAISSANCE SPECIFIC PLAN TO VACATE A 1,330 LINEAR FOOT SEGMENT OF WALNUT STREET BETWEEN LAUREL AVENUE AND LOCUST AVENUE AND AMEND THE VEHICULAR CIRCULATION PLAN MAP OF THE RENAISSANCE SPECIFIC PLAN.
(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member O'Connell, and carried by unanimous vote to approve Tab 1.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB NEW BUSINESS

- TAB2** Request City Council to Approve Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto Mid-Management & Confidential Employee Association Bargaining Unit for Changes to be Effective from July 1, 2014 through June 30, 2015.
(ACTION)
- Motion by Mayor Pro Tem Palmer, second by Council Member Hirtz, and carried by unanimous vote to approve Tab 2.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**
- TAB3** Request City Council to receive and file the Unaudited Financial Report for Rialto Utility Authority for the year-ended June 30, 2014.
(ACTION)
- Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 3.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**
- TAB4** Request City Council to Approve a Professional Services Agreement with Charles Kelly, dba Sounds of Sunrise, LLC for contract Business Systems Analyst services on a month-to-month contract at a rate of \$85 per hour; to approve a Purchase Order in the amount of \$117,000; and to approve budget **Resolution No. 6641** amending the Fiscal Year 2014-15 budget increasing the IT Fund (780) budget in the amount \$117,000.
(ACTION)
- Motion by Mayor Pro Tem Palmer, second by Council Member Hirtz, and carried by unanimous vote to approve Tab 4.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**

TAB5

Request City Council to Adopt **Resolution No. 6661** Amending the Fiscal Year 2014-15 Authorized Positions Schedule to reflect an adjustment to the number of Fire Department positions funded through the Staffing for Adequate Fire and Emergency Response (SAFER) grant.

(ACTION)

Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer, and carried by unanimous vote to approve Tab 5.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB6

Request City Council to Adopt **Resolution No. 6656** to Accept Grant Funds in the amount of \$351,350 from the Housing Related Park Grant for the Frisbie Park Sports Lighting Improvement Project and approve Budget **Resolution No. 6657** increasing revenues and appropriating expenditures.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Hirtz, and carried by unanimous vote to approve Tab 6.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB7

Request City Council to Approve a Cooperative Agreement with San Bernardino County for Rehabilitation of Jurupa Avenue and Cactus Avenue; and Request City Council to Adopt **Budget Resolution No. 6658** Amending the 2011-2015 Capital Improvement Program to Add "Jurupa Avenue & Cactus Avenue Rehabilitation Project, City Project No. 150807," and Amending the 2014-2015 Fiscal Budget to Appropriate \$554,075 Therefor.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 7.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB8

Request City Council to Adopt **Resolution No. 6659**, Approving Two Extraterritorial Wastewater Service Agreements with Colton Joint Unified School District for Bloomington High School Located at 10750 Laurel Avenue and for Slover Mountain High School Located at 18829 Orange Street, and Amending the 2014-2015 Fiscal Year Budget to Increase Wastewater Revenue in the Amount of \$255,700.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 8.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB9

Request City Council to Adopt Budget **Resolution No. 6660** Amending the 2014-2015 Fiscal Budget Appropriating \$54,150 for the City of Rialto Water Conservation Rebate Program.

(ACTION)

Motion by Council Member Baca Jr., second by Council Member Hirtz, and carried by unanimous vote to approve Tab 9.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB10

Request City Council to Award a Construction Contract to American Asphalt South, Inc., a California corporation, in the amount of \$505,620.00 for the 2014/2015 Annual Slurry Seal, City Project No. 150802.

(ACTION)

Motion by Council Member Baca Jr., second by Council Member Hirtz, and carried by unanimous vote to approve Tab 10.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB11

Request City Council to Award a Construction Contract to Vailston Company, Inc., a California corporation, in the amount of \$195,655.80 for the Maple Avenue Storm Drain Improvements & Rialto Unified School District Ramp, City Project No. 150806.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 11.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT